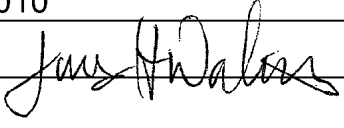



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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>Y-201 (5217AC-PCT/US)</b>							
<b>I hereby certify that this correspondence is being deposited via efs</b> <div style="text-align: center; margin-top: 10px;">Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>Jan. 11, 2010</u> Signature  Typed or printed name <u>James H. Walters</u></div>		<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;">Application Number <b>10070106</b></td><td style="width: 50%; padding: 5px;">Filed <b>2/27/2002</b></td></tr><tr><td colspan="2" style="padding: 5px;">First Named Inventor <b>Tomihisa KAMADA</b></td></tr><tr><td style="padding: 5px;">Art Unit <b>2614</b></td><td style="padding: 5px;">Examiner <b>Lisa Hashem</b></td></tr></table>		Application Number <b>10070106</b>	Filed <b>2/27/2002</b>	First Named Inventor <b>Tomihisa KAMADA</b>		Art Unit <b>2614</b>	Examiner <b>Lisa Hashem</b>
Application Number <b>10070106</b>	Filed <b>2/27/2002</b>								
First Named Inventor <b>Tomihisa KAMADA</b>									
Art Unit <b>2614</b>	Examiner <b>Lisa Hashem</b>								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="margin-top: 20px;"><p>I am the</p><div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record.      <b>35,731</b> Registration number _____</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"> _____ Signature <b>James H. Walters</b> _____ Typed or printed name <b>503-224-0115</b> _____ Telephone number <b>January 11, 2010</b> _____ Date</div></div></div> <p><b>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</b></p>									
<div style="display: flex; align-items: center;"><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</div>									

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Confirmation No.: 9582

Tomihisa KAMADA Art Unit: 2614

S. N. 10/070,106 Examiner: Lisa Hashem

Filed: February 27, 2002

For: MOBILE INFORMATION TERMINAL DEVICE, STORAGE, SERVER, AND  
METHOD FOR PROVIDING STORAGE REGION

REASONS ATTACHMENT WITH REQUEST FOR PRE-APPEAL BRIEF REQUEST FOR  
REVIEW

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is requested that the rejections be reconsidered.

It is respectfully submitted that the Office Action is in error in its analysis of and reliance on what is taught by the main reference patent, Zilliacus (US 6832230), and in view of this, the rejection is not sustainable.

The main point of error of the argument in the Office Action lies in the interpretation of Zilliacus as showing allocating a uniquely dedicated storage area for each user.

The Examiner says that this is shown by "(i.e. user of the mobile terminal uses a PC for a downloading service)". The Examiner reads the PC as meeting the claim language of the allocation of the uniquely dedicated storage area for each user.

However, if the PC is used as taught by Zilliacus, then the portions of the claim are not met that state that the software is purchase-requested from the portable data terminal.

Zilliacus discusses the PC as an indirect method where the purchase is made from the PC and downloaded to the PC. If the user employs the indirect PC method to purchase-download the software, then they must connect to the PC (cable or infrared connection are listed as manners to accomplish this in Zilliacus). See column 6, line 14-17 of Zilliacus.

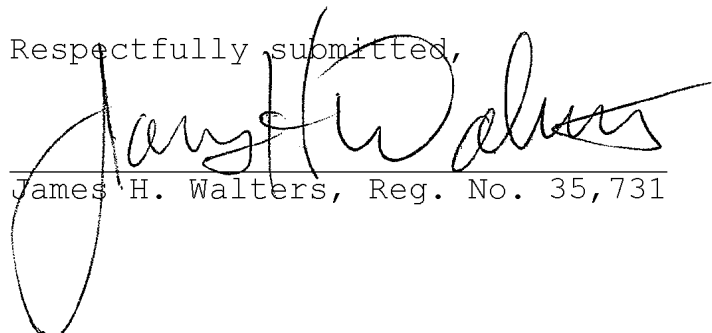
Accordingly the Office Action is submitted to be incorrect in stating that Zilliacus shows the concept of the storage area allocation of applicant's claims, and absent such teaching, the rejection cannot be sustained as the concept of applicant's claims is lacking, even with the addition of Murphy.

Zilliacus is concerned with implementing a software lifetime feature, but nowhere does it state nor is it ever concerned with allocating unique storage areas for purchase requested software and storing the software there without downloading it to the mobile terminal.

Appl. No. 10/070,106  
paper dated January 11, 2010  
Reasons submitted with request for pre-brief review

In view of the above and the prior submitted responses, it is respectfully requested that the rejections be reconsidered and that the application be allowed. Please contact applicant's attorney at 503-224-0115 if there are any questions. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James H. Walters", is written over a horizontal line.

James H. Walters, Reg. No. 35,731

Customer number 802  
patenttm.us  
P.O. Box 82788  
Portland, Oregon 97282-0788 US  
(503) 224-0115  
DOCKET: Y-201